PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Nghi VAN NGUYEN et al.	)	Group Art Unit: 1751
	)	
Application No.: 09/931,912	)	Examiner: E. Elhilo
	)	
Filed: August 20, 2001	)	
	)	
For: COMPOSITIONS COMPRISING AT LEAST ONE HYDROXIDE COMPOUND AND AT LEAST ONE REDUCING AGENT, AND METHODS FOR RELAXING HAIR	)	Confirmation No.: 4343

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed October 25, 2004, and further to Board Rule 41.37, Appellants present this brief and enclose herewith a check for the fee of $500.00 required under 37 C.F.R. § 1.17(c).

This Appeal responds to the final Office Action dated May 24, 2004, and the Advisory Action dated September 14, 2004, finally rejecting claims 1-19 and 21-131.

If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

Table of Contents

Real Party In Interest

L'Oréal SA is the real party in interest.

Related Appeals and Interferences

There are currently no other appeals or interferences, of which appellant, appellant's legal representative, or assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status Of Claims

Claims 1-19 and 21-131 are currently pending in this application. Claim 20 has been canceled, and claims 43-131 have been withdrawn. Therefore, the rejections of claims 1-19 and 21-42 are currently being appealed.

Status Of Amendments

No claim has been amended subsequent to the final rejection.

Summary Of Claimed Subject Matter

The present application contains two independent claims: claim 1 and claim 42. Independent claim 1 is directed towards a composition for lanthionizing keratinous fibers. The term "lanthionizing" refers to the relaxing or straightening of keratinous fibers, such as hair, by hydroxide ions. Specification at page 1, paragraph [004].

The claimed composition comprises three ingredients: (i) at least one hydroxide compound; (ii) at least one reducing agent chosen from thiols, sulfites, and derivatives thereof; and (iii) at least one complexing agent effective for dissociating the at least one hydroxide compound in a sufficient quantity to effect lanthionization of keratinous fibers. See specification at page 7, paragraph [019] and page 12, paragraph [034]. Moreover, according to claim 1, the at least one hydroxide compound and the at least one reducing agent must be present in a combined amount effective to relax keratinous fibers. See specification at page 7, paragraph [019]. Claim 1 further specifies that if the at least one reducing agent is chosen from cysteine, cysteine derivatives, and thioglycolic acid, the at least one hydroxide compound must be present in an amount such that the amount of hydroxide ion is less than 1% by weight relative to the total weight of the composition. See *id.*

Independent claim 42 is similar to claim 1, with the difference being that in the claimed composition, the at least one hydroxide compound is present in an amount such that the amount of hydroxide ion ranges from 0.1% to 1% by weight relative to the total weight of the composition. See specification at page 8, paragraph [020].

Grounds of Rejection

A. Claims 1-6, 10, 11, 18, 19, 23, and 38-42 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,971,391 to Bore et al. ("Bore").

B. Claims 7-9, 21, 22, 24, and 34-37 stand rejected under 35 U.S.C. § 103(a) over Bore in view of U.S. Patent No. 4,816,246 to Mathews et al. ("Mathews").

C. Claims 12-17, 25-27, and 29-33 stand rejected under 35 U.S.C. § 103(a) over Bore in view of U.S. Patent No. 5,872,111 to Au et al. ("Au").

D. Claim 28 stands rejected under 35 U.S.C. § 103(a) over Bore in view of Mathews and further in view of Au, and Bore in view of Mathews, Au, and U.S. Patent Application Publication No. 2001/0008630 to Pyles et al. ("Pyles").

Argument

I. Rejection under 35 U.S.C. § 103(a) over Bore

Claims 1-6, 10, 11, 18, 19, 23, and 38-42 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,971,391 to Bore et al. ("Bore").

According to the Examiner, Bore "teaches an aqueous composition for lanthionizing hair comprising at least one hydroxide compound, at least one reducing agent and at least one complexing agent . . . ." May 24, 2004, Office Action at 3. Yet the Examiner admits that "the reference does not require such a composition with sufficient specificity to constitute anticipation." *Id.*

Applicants respectfully point out that 35 U.S.C. § 103 is not merely a fall back provision to 35 U.S.C. § 102, to be used when a reference does not contain "sufficient specificity to constitute anticipation," but rather 35 U.S.C. § 103 is an independent patentability provision requiring distinct proof of obviousness to establish a proper rejection. Specifically, 35 U.S.C. § 103 requires, among other things, the Examiner establish that the reference teach or suggest all of the claimed elements. M.P.E.P. § 2143. This the Examiner has failed to do.

As Applicants established in their August 18, 2004, Amendment After Final, Bore does not teach or suggest at least one complexing agent. The Examiner argues that Bore teaches a "complexing agent such as triethanolamine" in Example 15 (May 24, 2004, Office Action at 3). Triethanolamine is not, however, a complexing agent. The Examiner has apparently mistaken triethanolamine for a complexing agent based on the instant specification's teaching that, "the at least one complexing agent may comprise at least one 'soft' entity chosen from 'soft' bases and 'soft' cations **and at least one anion**

chosen from chelating anions and sequestering anions." Specification at page 20, paragraph [053] (emphasis added). Example 15 of Bore teaches only a 'soft' base (triethanolamine), and not at least one anion chosen from chelating anions and sequestering anions. Absent at least one anion chosen from chelating anions and sequestering anions, **triethanolamine alone is not a complexing agent**.

In response to these arguments, the Examiner does not dispute that triethanolamine alone is not a complexing agent, but rather alleges that Bore "also teaches sequestering anions of alkaline earth metal halides such as calcium chloride, sodium chloride, and lithium bromide."[1] September 14, 2004, Advisory Action. As Applicants' representatives explained to the Examiner in an October 19, 2004, telephone interview, however, none of calcium chloride, sodium chloride, or lithium bromide is a sequestering anion. Rather, all three compounds are salts, and lack the ability to chelate or sequester other compounds. The Examiner has provided no response to this basic chemical fact.

In the interview, the Examiner merely argued that "the claims are too broad." Breadth of a claim alone, however, does not defeat patentability (see M.P.E.P. § 2173.04), nor does breadth counter the scientific fact that Bore does not teach or suggest a sequestering anion, much less at least one complexing agent, as claimed herein. As the Examiner has failed to establish otherwise, Applicants respectfully request reversal of the Examiner's rejection and allowance of the pending claims.

[1] Applicants note that only calcium chloride is an alkali earth metal halide. Both sodium chloride and lithium bromide are alkali metal halides.

II. Rejection under 35 U.S.C. § 103(a) over Bore in view of Mathews

Claims 7-9, 21, 22, 24, 34-37 stand rejected under 35 U.S.C. § 103(a) over Bore in view of U.S. Patent No. 4,816,246 to Mathews et al. ("Mathews").

According to the Examiner's own admission, Bore does not teach "the specific species of alkaline metal sulfites or the other species of the complexing agents claimed." May 24, 2004, Office Action at 4. The Examiner attempts to cure this deficiency by resorting to Mathews, stating that Mathews "teaches a composition comprising ammonium thioglycolate compounds . . . and a sequestering agent . . . and chelating agents . . . wherein the composition is formulated from water soluble components . . . which implies that the dissociation is full . . . ." *Id.* From this, the Examiner concludes that combining the references would have been obvious because "Bore clearly suggests the use of sulfur-containing compounds . . . and complexing agents of triethanolamine[2] in the composition and the secondary reference of Mathews teaches the use of ammonium thioglycolate compounds as the reducing agents and the sequestering agents (complexing agents) in the hair treating composition . . . ." *Id.*

In order to establish a *prima facie* case of obviousness, however, it is required that the Examiner show some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. M.P.E.P. § 2143. It is not enough that references can be combined or modified -- this "does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." *Id.* at 2143.01 (citing *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed Cir. 1990). The Examiner's conclusion that, because

[2] As discussed above, triethanolamine alone is not a complexing agent.

both references contain certain ingredients, one of ordinary skill in the art would be motivated to combine them, simply does not meet this high threshold.

The Bore reference is directed towards lanthionization of hair, while the Mathews reference discloses a permanent wave composition. Bore emphasizes throughout the disclosure that the pH of the composition, in order to affect lanthionization, must be "between about 10.5 and 13." See, e.g., Bore at Abstract; col. 2, l. 23; and col. 5, l. 41. Mathews, however, being directed towards a permanent wave composition, emphasizes throughout the disclosure that the pH is considerably lower than Bore's 10.5 to 13. See, e.g., Mathews at Abstract and col. 2, ll. 35-42 (preferred embodiment has pH ranging from 9 to 9.5); col. 2, ll. 45-48 (pH can also be from 6.8 to 7.2).

As one of ordinary skill in the art would readily realize, lanthionization would not occur at the low pH disclosed in Mathews. Yet the Examiner argues that "both references teach alkaline compositions . . . and therefore it is obvious to combine two analogous compositions having [a] similar level of alkalinity." September 14, 2004, Advisory Action. Merely existing as an alkaline composition, however, in no way makes two compositions "analogous" or provides a motivation to combine two compositions. Baking soda and bleach, for example, are both alkaline, as are an infinite range of non-analogous compositions. Nor do the compositions of Bore and Mathews have a "similar level of alkalinity." Indeed, "similar" implies that any pH difference would not affect the properties of the compositions. But what further distinguishes the compositions of Bore and Mathews is that at the pH disclosed in Mathews, **lanthionization simply will not occur**, even though the composition of Mathews may still be alkaline.

Moreover, Mathews explicitly teaches that the complexing agents "are included in a hair waving composition **formulated according to principles of this invention**." Mathews, col. 4, ll. 19-21. A composition formulated according to the invention in Mathews would be a permanent wave composition (not a lanthionizing composition) and would have a pH ranging from 9 to 9.5 (at which pH lanthionization will not occur). As the composition of Bore lanthionizes hair in the pH range from about 10.5 to 13, Mathews nowhere suggests adding a complexing agent to the composition of Bore, and the Examiner has not established otherwise. There is simply no teaching or suggestion in Mathews that the "complexing agent [is] effective for dissociating the at least one hydroxide compound in a sufficient quantity to effect lanthionization of keratinous fibers," as claimed herein, and the Examiner has not explained why one of ordinary skill in the art would be motivated to combine the composition disclosed in Mathews with the composition of Bore. Applicants therefore respectfully request reversal of the Examiner's rejection.

III. Rejection under 35 U.S.C. § 103(a) over Bore in view of Au

Claims 12-17, 25-27, and 29-33 stand rejected under 35 U.S.C. § 103(a) over Bore in view of U.S. Patent No. 5,872,111 to Au et al. ("Au").

The Examiner admits that Bore "does not teach at least one cation exchange component (thickeners) and the complexing agents as claimed," but attempts to rectify this deficiency by relying on Au as teaching "a shampoo composition comprising clay materials such as aluminum silicates as thickeners," as well as other components of the rejected claims (namely, specific examples of the claimed at least one complexing

agent), such as tripotassium phosphates, disodium silicates, citric acid, and amino acids. May 24, 2004, Office Action at 5. Thus, the Examiner concludes that the proposed combination of references would have been obvious because Au "clearly suggests the use of these ingredients in the shampoo compositions for rendering such compositions more formulatable, or aesthetically and/or cosmetically acceptable . . . ." *Id.* Applicants disagree.

The Examiner has failed to establish, as he must, any suggestion or motivation to combine reference teachings. *See* M.P.E.P. § 2143. Au teaches that the tripotassium phosphates and disodium silicates referenced by the Examiner are "used to maintain a neutral pH or to accelerate the rate of the reaction . . .", and the citric acid cited by the Examiner is used as a "pH adjusting agent[ ]." Au at col. 25, ll. 12-15 and col. 10, l. 63. Bore, however, teaches a process for lanthionization carried out "with a composition having a pH between about 10.5 and 13." Bore, col. 2, ll. 22-23; see also *id.* at Abstract and col. 2, l. 27. Thus, one of ordinary skill in the art would find no motivation to combine the neutral composition of Au with the alkaline composition of Bore. See also discussion above in Part II.

Furthermore, while the Examiner has failed to establish any motivation to combine the teachings of Bore and Au, even assuming arguendo such a combination were made, one of ordinary skill in the art would have no reasonable expectation of success. Maintaining a neutral pH, as suggested by Au, would not be expected to affect lanthionization of keratinous fibers. Bore clearly teaches that "the proportion of lanthionization is higher the higher the pH of the composition according to the invention." Bore, col. 2, ll. 64-66. There would thus be no expectation that a

composition at neutral pH, as taught by Au, would successfully lanthionize hair, which requires a basic pH.

In response to this, the Examiner merely states that Bore "teaches a composition for improving and modifying the cosmetic properties of living human hair having a pH of 10.3 to 13 . . . and Au . . . teaches a hair treating composition having a pH of 10 (see col. 41, Examples 26 and col. 42, Examples 27 and 28). Therefore, it is obvious to combine two analogous compositions comprising similar ingredients and having similar level[s] of alkalinity." September 14, 2004, Advisory Action.

The Examiner misstates the teachings of Au, however, which is primarily directed towards the manufacture and use of glycosylamide surfactants. Au nowhere teaches or suggests "a hair treating composition having a pH of 10," as alleged by the Examiner. Rather, Examples 26-28 of Au, cited by the Examiner in support of his position, illustrate compositions with **improved detergency** and having a pH of 10. In fact, none of the 32 examples in Au even mentions a personal care product, much less a composition for lanthionizing keratinous fibers, as claimed herein. In fact, the only reference in Au for a composition for straightening/relaxing hair is found buried in a laundry list disclosure of potential hair products into which the glycosylamides may be added. See Au at col. 31, lines 30-39. Au additionally discloses such unrelated products as liquid detergents, powder detergents, cleansing products, chewing gums, and toilet paper in its catch-all disclosure of potential compositions (see *id.* at col. 31, line 13 to col. 32, line 25), and thus does not provide one of ordinary skill in the art any suggestion or motivation to arrive at the claimed composition for lanthionizing keratinous fibers. Contrary to the

Examiner's conclusory statements, Bore and Au do **not** teach "analogous compositions" with "similar ingredients."

Absent such a teaching, the Examiner has failed to establish any motivation or suggestion to combine Au with Bore, and Applicants thus respectfully request reversal of the Examiner's rejection on this ground.

IV. Rejection under 35 U.S.C. § 103(a) over Bore in view of Mathews and further in view of Au, and Bore in view of Mathews, Au, and Pyles

Claim 28 stands rejected under 35 U.S.C. § 103(a) over Bore in view of Mathews and further in view of Au, and Bore in view of Mathews, Au, and U.S. Patent Application Publication No. 2001/0008630 to Pyles et al. ("Pyles").

Claim 28 is drawn towards a composition wherein the complexing agent is monosodium glutamate. The Examiner notes that neither Bore nor Au teaches sodium glutamate as a sequestering agent, but states that Pyles "teaches in other analogous art a hair conditioning composition comprising sodium glutamate . . . ." May 24, 2004, Office Action at 6. Thus the Examiner concludes that the suggested combination would be obvious because "Bore suggest[s] the use of adjuvants that [are] usually used in creams and gels . . . ." Id. Pyles in no way rectifies the deficiencies of Bore, Mathews, and Au, discussed above, and thus no prima facie case of obviousness has been established. Applicants respectfully request reversal of the Examiner's rejection.

Conclusion

For the reasons given above, pending claims 1-19 and 21-42 are allowable and reversal of the Examiner's rejections is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 23, 2004

By: Erin C DeCarlo
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Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. (Previously presented) A composition for lanthionizing keratinous fibers to achieve relaxation of said keratinous fibers comprising:

(i) at least one hydroxide compound;

(ii) at least one reducing agent chosen from thiols, sulfites, and derivatives thereof; and

(iii) at least one complexing agent effective for dissociating the at least one hydroxide compound in a sufficient quantity to effect lanthionization of keratinous fibers,

wherein said at least one hydroxide compound and said at least one reducing agent are present in a combined amount effective to relax keratinous fibers, and with the proviso that if said at least one reducing agent is chosen from cysteine, cysteine derivatives, and thioglycolic acid, said at least one hydroxide compound is present in an amount such that the amount of hydroxide ion is less than 1% by weight relative to the total weight of said composition.

2. (Original) A composition according to claim 1, wherein said at least one hydroxide compound is chosen from alkali metal hydroxides, alkaline earth metal hydroxides, transition metal hydroxides, lanthanide metal hydroxides, actinide metal hydroxides, Group III hydroxides, Group IV hydroxides, Group V hydroxides, Group VI hydroxides, organic hydroxides, and compounds comprising at least one hydroxide substituent which is at least partially hydrolyzable.

3. (Original) A composition according to claim 2, wherein said at least one hydroxide compound is chosen from sodium hydroxide, lithium hydroxide, and potassium hydroxide.

4. (Original) A composition according to claim 3, wherein said at least one hydroxide compound is sodium hydroxide.

5. (Original) A composition according to claim 1, wherein said at least one hydroxide compound is present in an amount such that the amount of hydroxide ion ranges from 0.05% to 3% by weight relative to the total weight of said composition.

6. (Original) A composition according to claim 5, wherein said at least one hydroxide compound is present in an amount such that the amount of hydroxide ion ranges from 0.1% to 1% by weight relative to the total weight of said composition.

7. (Original) A composition according to claim 1, wherein said thiols are chosen from thioglycolates, thiolactates, thiolglycerols, thiocarboxylic acids, thioesters, thioamides, alkyl mercaptans, and cysteine.

8. (Original) A composition according to claim 7, wherein said at least one reducing agent is chosen from thioglycolates.

9. (Original) A composition according to claim 8, wherein said thioglycolates are ammonium thioglycolate.

10. (Original) A composition according to claim 1, wherein said sulfites are chosen from hydrogen sulfite, organic sulfites and inorganic sulfites.

11. (Original) A composition according to claim 1, wherein said at least one reducing agent is present in an amount ranging from 0.1% to 5% by weight relative to the total weight of the composition.

12. (Original) A composition according to claim 1, further comprising at least one cation exchange composition.

13. (Original) A composition according to claim 12, wherein said at least one cation exchange composition is chosen from clays.

14. (Original) A composition according to claim 12, wherein said at least one cation exchange composition is chosen from silicates.

15. (Original) A composition according to claim 14, wherein said silicates are chosen from analcime, chabazite, gmelinite, harmotome, levynite, mordenite, epistilbite, heulandite, natrolite, stilbite, edingtonite, mesolite, scolecite, thomosonite, brewsterite, faujasite, gismondine, laumontite, phillipsite, and aluminosilicate.

16. (Original) A composition according to claim 14, wherein said silicates are chosen from zeolites.

17. (Original) A composition according to claim 14, wherein said silicates are chosen from zeolite clays.

18. (Original) A composition according to claim 1, further comprising at least one solvent.

19. (Original) A composition according to claim 18, wherein said at least one solvent is chosen from DMSO and water.

20. (Canceled).

21. (Previously presented) A composition according to claim 1, wherein said at least one complexing agent is chosen from chelating agents, sequestering agents and salts of any of the foregoing.

22. (Previously presented) A composition according to claim 1, wherein said dissociation is chosen from partial dissociation and full dissociation.

23. (Previously presented) A composition according to claim 1, wherein at least one entity chosen from said least one hydroxide compound and said at least one complexing agent is formulated with at least one reducing agent.

24. (Original) A composition according to claim 21, wherein said chelating agents are chosen from ethylene-diaminetetraacetic acid (EDTA), nitrilotriacetic acid and ethylenegylcol-bis(β-amino-ethyl ether)-N,N-tetraacetic acid.

25. (Original) A composition according to claim 21, wherein said sequestering agents are chosen from hydroxy carboxylic acids.

26. (Original) A composition according to claim 25, wherein said hydroxy carboxylic acids are chosen from gluconic acid, citric acid and tartaric acid.

27. (Original) A composition according to claim 21, wherein said at least one complexing agent is chosen from amino acids and crown ethers.

28. (Original) A composition according to claim 27, wherein said amino acids are monosodium glutamate.

29. (Original) A composition according to claim 21, wherein said at least one complexing agent is chosen from phosphates demonstrating chelating properties, phosphates demonstrating sequestering properties, phosphonates demonstrating chelating properties, phosphonates demonstrating sequestering properties, silicates demonstrating chelating properties and silicates demonstrating sequestering properties.

30. (Original) A composition according to claim 29, wherein said at least one complexing agent is chosen from tripotassium phosphate and trisodium phosphate.

31. (Original) A composition according to claim 29, wherein said at least one complexing agent is chosen from disodium silicate and dipotassium silicate.

32. (Previously presented) A composition according to claim 1, wherein said at least one complexing agent is chosen from organic acids and salts thereof.

33. (Previously presented) A composition according to claim 1, wherein said at least one complexing agent is chosen from mono-hydroxycarboxylic acids, dihydroxycarboxylic acids, polyhydroxycarboxylic acids, mono-aminocarboxylic acids, di-aminocarboxylic acids, poly-aminocarboxylic acids, mono-hydroxysulfonic acids, di-hydroxysulfonic acids, polyhydroxysulfonic acids, mono-hydroxyphosphonic acids, dihydroxyphosphonic acids, polyhydroxyphosphonic acids, mono-aminophosphonic acids, diaminophosphonic acids and polyaminophosphonic acids.

34. (Previously presented) A composition according to claim 1, wherein said at least one complexing agent is chosen from ethylene diamine tetraacetic acid (EDTA), N–(hydroxyethyl) ethylene diamine triacetic acid, aminotrimethylene phosphonic acid, diethylenetriamine-pentaacetatic acid, lauroyl ethylene diamine triacetic acid, nitrilotriacetic acid, iminodisuccinic acid, tartaric acid, citric acid, N-2-hydroxyethyliminodiacetic acid and salts of any of the foregoing.

35. (Original) A composition according to claim 34, wherein said at least one complexing agent is chosen from sodium EDTA, lithium EDTA, potassium EDTA and guanidine EDTA.

36. (Previously presented) A composition according to claim 1, wherein said at least one complexing agent and said at least one hydroxide compound form at least one complexing agent-counter ion complex.

37. (Previously presented) A composition according to claim 1, wherein said composition comprises at least two complexing agents.

38. (Original) A composition according to claim 1, further comprising at least one additive chosen from dyes, anionic surfactants, cationic surfactants, nonionic surfactants, amphoteric surfactants, fragrances, silicones, silicone derivatives, screening agents, preserving agents, proteins, vitamins, polymers, plant oils, mineral oils and synthetic oils.

39. (Original) A composition according to claim 1, wherein said composition is in a form chosen from an oil-in-water emulsion, a water-in-oil emulsion, a dispersion, a suspension, a cream, a foam, a gel, a spray, a powder and a liquid.

40. (Original) A composition according to claim 1, wherein said keratinous fibers is chosen from hair.

41. (Original) A composition according to claim 1, wherein said composition is heat-activated.

42. (Previously presented) A composition for lanthionizing keratinous fibers to achieve relaxation of said keratinous fibers comprising:

(i) at least one hydroxide compound;

(ii) at least one reducing agent chosen from thiols, sulfites, and derivatives thereof; and

(iii) at least one complexing agent effective for dissociating the at least one hydroxide compound in a sufficient quantity to effect lanthionization of keratinous fibers,

wherein said at least one hydroxide compound and said at least one reducing agent are present in a combined amount effective to relax keratinous fibers, and

wherein said at least one hydroxide compound is present in an amount such that the amount of hydroxide ion ranges from 0.1% to 1% by weight relative to the total weight of said composition.

43-131. (Withdrawn).

Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

No evidence is being cited herein.

Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

There are currently no other related appeals or interferences, of which appellant, appellant's legal representative, or assignee are aware. Accordingly, there are no decisions from related proceedings cited herein.